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**Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples**

# Western Sahara

**Working paper prepared by the Secretariat***

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* The document was submitted late to the conference services without the explanation required under paragraph 8 of General Assembly resolution 53/208 B, by which the Assembly decided that, if a report is submitted late, the reason should be included in a footnote to the document.

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# I. Report and good offices of the Secretary-General

1. Pursuant to General Assembly resolution 55/141 on the question of Western Sahara, adopted on 8 December 2000, the Secretary-General submitted to the General Assembly at its fifty-sixth session a report on the question of Western Sahara dated 9 July 2001 (A/56/159). The report covered the period from 31 August 2000 to 30 June 2001 and reviewed the action taken by the Secretary-General in the exercise of his good offices with the parties concerned.

2. During the period under review, the Secretary-General submitted several reports to the Security Council on the situation concerning Western Sahara (S/2001/398, S/2001/613, S/2002/41 and S/2002/178), pursuant to Security Council resolutions 1342 (2001) of 27 February 2001, 1349 (2001) of 27 April 2001, 1359 (2001) of 29 June 2001 and 1380 (2001) of 27 November 2001.

3. On 27 February 2001, the Security Council adopted resolution 1342 (2001), by which it decided to extend the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 30 April 2001, with the expectation that the parties, under the auspices of the Personal Envoy of the Secretary-General, James A. Baker III, would continue to try to resolve the multiple problems relating to the implementation of the settlement plan (see S/21360 and S/22464 and Corr.1) and try to agree upon a mutually acceptable political solution to their dispute over Western Sahara. The resolution requested the Secretary-General to provide an assessment of the situation before the end of the mandate period.

4. Pursuant to resolution 1342 (2001), the Secretary-General submitted to the Security Council, on 24 April 2001, a report (S/2001/398) in which he informed the Council that, during the reporting period, his Personal Envoy had consulted separately with representatives of both parties, some members of the Council and representatives of MINURSO and the Secretariat in his efforts to assist the parties to find an early, durable and agreed resolution to their dispute over Western Sahara.

5. On the military side, following the passage of the Paris-Dakar rally through the Territory, restrictions imposed by the Frente Popular para la Liberación de Saguía el-Hamra y del Río de Oro (Frente POLISARIO) on the movements of MINURSO military observers had remained in effect. On 15 March 2001, MINURSO was informed by the Moroccan military authorities of plans to begin construction of an asphalted road in the south-western corner of Western Sahara, across the 5-kilometre buffer strip and into Mauritania. After intervention by the Special Representative of the Secretary-General and MINURSO's military commander, work on the road was not started.

6. With regard to the Saharan refugees in the Tindouf camps, the reduction of basic assistance due to the financial constraints faced by the Office of the United Nations High Commissioner for Refugees (UNHCR) had had a negative impact on the beneficiaries in the camps, especially the vulnerable groups. UNHCR was monitoring the overall situation and prioritizing its assistance programme to focus more on life-sustaining activities, especially for the vulnerable refugees.

7. The Secretary-General concluded that, although there had been no progress towards overcoming the obstacles to the implementation of the settlement plan, there had been substantial progress towards determining whether the Government of Morocco, as the administrative Power in Western Sahara, was prepared to offer or support some devolution of authority for the Territory. Because of that progress, the Secretary-General recommended that MINURSO's mandate be extended for two months, until 30 June 2001, so that the Personal Envoy could consult further with the parties, either separately or at a meeting of the parties, or both, concerning both a possible devolution of authority as described above and a possible solution to the problems involved in the implementation of the settlement plan.

8. On 27 April 2001, the Security Council adopted resolution 1349 (2001), by which it decided to extend the mandate of MINURSO until 30 June 2001, with the expectation that the parties, under the auspices of the Personal Envoy of the Secretary-General, would continue to try to resolve the multiple problems relating to the implementation of the settlement plan and to agree upon a mutually acceptable political solution to their dispute over Western Sahara. The resolution requested the Secretary-General to provide an assessment of the situation before the end of the mandate period.

9. Pursuant to resolution 1349 (2001), on 20 June 2001 the Secretary-General submitted a report to the Security Council in which he informed the Council that, on 5 May 2001, his Personal Envoy had presented to the Algerian Government a draft "Framework agreement on the status of Western Sahara" (S/2001/613, annex I), which he was confident that the Kingdom of Morocco would support. President Bouteflika had subsequently addressed letters to the Secretary-General and to his Personal Envoy, along with a memorandum containing Algeria's views on the proposed framework agreement, which were attached to the report of the Secretary-General (ibid., annex II, enclosure). The Security Council also had the opportunity to review, in the same report, an analysis of that memorandum prepared by the Secretariat (ibid., annex III).

10. The Council was further informed that, on 5 May 2001, the Personal Envoy had presented the proposed framework agreement to Secretary-General Mohamed Abdelaziz of the Frente POLISARIO, who had indicated that anything other than independence meant integration with Morocco and that he did not want to consider or discuss the framework proposal. Subsequently, the Frente POLISARIO had delivered letters to the Secretary-General and to his Personal Envoy along with official proposals aimed at overcoming the obstacles preventing the implementation of the settlement plan (ibid., annex IV). An analysis of the Frente POLISARIO proposals, prepared by the Secretariat, was also annexed to the Secretary-General's report (ibid., annex V).

11. In paragraphs 20 to 42 of document S/2001/613 the Secretary-General provided an assessment of the problems in the implementation of the settlement plan since its adoption in 1991. While he pointed out that he had previously provided such a detailed account in his report of 17 February 2000 (S/2000/131), he reiterated that, with the exception of the ceasefire, none of the plan's main provisions had been fully implemented because of fundamental differences between the parties over its interpretation and, in particular, because the cooperation of both parties with the United Nations was required for the plan's implementation (see S/22464, para. 55). The establishment of the electorate body for the referendum had been and remained the most contentious issue and one of the main reasons for the successive deadlocks in MINURSO's work, because of the difficulties in determining who among the Saharans was eligible to take part in the referendum. Throughout the 10 years since the United Nations had undertaken the implementation of the plan, it had tried several times to organize direct talks between the parties, as it was understood that such talks were essential to the achievement of the compromises and understandings necessary for the smooth implementation of the plan. The only time that such direct talks had resulted in substantive discussions between the parties had been in 1997 when, under the auspices of the Personal Envoy of the Secretary-General, they had concluded the Houston agreements (S/1997/742, annex III).

12. The Secretary-General also recalled that after the three rounds of talks in 2000, when the parties had met again under the auspices of the Personal Envoy to come up with solutions to the problems involved in the plan and to try to agree upon a mutually acceptable political solution to their dispute over Western Sahara, Morocco, for the first time, had expressed the wish to engage in a direct dialogue with the Frente POLISARIO, under the auspices of the United Nations, to try to resolve the dispute.

13. Concluding his report, the Secretary-General recalled the three questions that he had asked his Personal Envoy when he had appointed him in 1997 regarding the resolution of the conflict over Western Sahara. Given the history of the United Nations involvement over the past 10 years in the search for an acceptable way to implement the settlement plan, the Personal Envoy had concluded that there were serious doubts as to whether the settlement plan could be implemented in its current form. It was equally doubtful whether adjustments to the plan would resolve the problems, since the endgame would still produce one winner and one loser. Furthermore, any substantial adjustments would require the mutual agreement of the parties and an enforcement mechanism approved by the Security Council.

14. The Secretary-General expressed the hope, shared by his Personal Envoy, that Morocco, the Frente POLISARIO, Algeria and Mauritania would agree to meet over the next five months as parties, either directly or through proximity talks, under the auspices of the Personal Envoy, to discuss with specificity the elements of the proposed framework agreement, which aimed at reaching an early, durable and agreed resolution of the conflict over Western Sahara in a way that did not foreclose self-determination, but indeed

provided for it. He stressed that the proposed framework agreement was not unlike agreements used to address similar situations elsewhere where devolution of authority to the inhabitants of a non-self-governing territory was granted, with the final status to be determined by a referendum. Should the parties agree to discuss a political solution, this would not prejudice their final positions since nothing would be agreed until everything had been agreed. While the discussions on the proposed framework agreement would go on, the settlement plan would not be abandoned, but would be put on hold. Should the Personal Envoy decide to continue the discussions about the proposed framework agreement after the five-month period in order to negotiate such changes as would make it acceptable to Morocco, the Frente POLISARIO, Algeria and Mauritania, it would be the Secretary-General's intention to recommend to the Security Council that MINURSO's mandate be extended to permit time for such negotiations. If, on the other hand, by the end of that period, the Personal Envoy should conclude that it would not be worthwhile to continue with the consultations, the Security Council could decide to review the mandate of MINURSO and consider what further role the Mission could play. For the reasons outlined in the report, the Secretary-General recommended that the mandate of MINURSO be extended for five months, until 30 November 2001.

15. On 29 June 2001, the Security Council adopted resolution 1359 (2001), by which it decided to extend the mandate of MINURSO until 30 November 2001. The Council fully supported the efforts of the Secretary-General to invite all parties to meet directly or through proximity talks, under the auspices of his Personal Envoy, and encouraged them to discuss the draft framework agreement and to negotiate any specific changes they would like to see in it, as well as to discuss any other proposal for a political solution that might be put forward by the parties in order to arrive at a mutually acceptable solution. The Council also affirmed that, while the discussions referred to above continued, the official proposals submitted by the Frente POLISARIO to overcome the obstacles preventing implementation of the settlement plan would be considered.

16. Subsequently, the Secretary-General sent a letter dated 12 November 2001 addressed to the President of the Security Council (S/2001/1067), in which he referred to the activities of his Personal Envoy pursuant to Security Council resolution 1359 (2001) of 29 June 2001. The Secretary-General pointed out that his Personal Envoy had been consulting with the parties within the framework of that resolution since its adoption. His Personal Envoy had, however, recently informed the Secretary-General that he would need additional time for those consultations. Accordingly, the Secretary-General proposed that the Council authorize a technical extension of the mandate of MINURSO for a period of two months, through 31 January 2002. The Secretary-General would submit a report on Western Sahara to the Council before that date.

17. The Security Council, by resolution 1380 (2001) of 27 November 2001, took note of the letter of the Secretary-General and extended the mandate of the Mission until 28 February 2002.

18. Pursuant to resolution 1380 (2001), the Secretary-General submitted a report (S/2002/41) covering the period from 20 June 2001 to January 2002, in which he informed the Council that his Personal Envoy had met with the Governments of Algeria and Mauritania and the leadership of the Frente POLISARIO in Pinedale, Wyoming, United States of America, from 27 to 29 August 2001. In his letters of invitation, the Personal Envoy had expressed the hope that Algeria, Mauritania and the Frente POLISARIO would discuss with specificity the elements of the draft framework agreement. The Government of Morocco was not invited to that meeting, since it had indicated that it was prepared to support the draft framework agreement. He advised of his intention to confer with the Government of Morocco about any resulting proposed changes. The Frente POLISARIO's official proposals of 28 May 2001 (S/2001/613, annex IV, enclosure), aimed at overcoming the obstacles to the implementation of the settlement plan, were also considered at the meeting in the presence of the Mauritanian delegation.

19. While commending the Frente POLISARIO for some of its concessions aimed at facilitating the resumption of the implementation of the settlement plan, the Personal Envoy asked for clarifications about some of the proposals. He pointed out that the concurrence of the Government of Morocco would be required in order for some of the proposals to be implemented. He also pointed out that other Frente POLISARIO proposals would require action by the

Security Council under Chapter VII of the Charter of the United Nations.

20. The Personal Envoy met separately with the Algerian delegation to discuss the draft framework agreement. The Algerian delegation reiterated its general views on and objections to the proposed document. It did not engage in a specific and detailed discussion about it as requested by the Personal Envoy, but indicated that it would send him specific clarifications shortly.

21. The Personal Envoy then met again with the Frente POLISARIO delegation to discuss the draft framework agreement. The Mauritanian delegation also attended that meeting. The Frente POLISARIO delegation stated that it did not wish to engage in a specific and detailed discussion on the draft framework agreement. It expressed the view that the provisions of that document would lead to the integration of Western Sahara with Morocco. The delegation nevertheless promised to provide the Personal Envoy with detailed clarifications at a later stage, after conferring with its leadership.

22. The Mauritanian delegation assured the Personal Envoy of its Government's support for any solution to the problem of Western Sahara that would promote peace and stability in the region and have the support of the parties.

23. Subsequently, on 4 October 2001, the Secretary-General of the Frente POLISARIO submitted to the Personal Envoy a memorandum containing the position of the Frente POLISARIO on the draft framework agreement (S/2002/41, annex I).

24. On 7 October, President Bouteflika provided the Personal Envoy with the comments of the Government of Algeria on the draft framework agreement (ibid., annex II).

25. On 31 October, the Personal Envoy forwarded to the Government of Morocco the comments and observations received from the Frente POLISARIO and Algeria, with a request that it provide him with its own comments and observations. At the same time, he advised that, at the Wyoming meeting, he had discussed with the Frente POLISARIO its proposals to overcome the obstacles to the implementation of the settlement plan and had commended it for some of the concessions made. Since the concurrence of the Government of Morocco would be necessary to implement some of those proposals, he asked that the Government revert to him at its earliest convenience, with its own comments and observations on the Frente POLISARIO proposals.

26. On 10 November, the Permanent Representative of Morocco to the United Nations forwarded the observations of his Government on the comments of Algeria and of the Frente POLISARIO concerning the draft framework agreement, as well as on the latter's proposals to overcome the obstacles in the implementation of the settlement plan (ibid., annex III).

27. In the meantime, the Special Representative of the Secretary-General, William Eagleton, continued his consultations with the Government of Morocco and the Frente POLISARIO on the state of affairs and the peace process in Western Sahara and met with Algerian and Mauritanian authorities. On 30 October 2001, the Secretary-General informed the Security Council that he had decided to appoint William L. Swing (United States of America) as his Special Representative for Western Sahara (see S/2001/1041). He assumed his functions on 11 December 2001.

28. Also during this period, on 22 October, in a message addressed to the Secretary-General, the Secretary-General of the Frente POLISARIO expressed his concerns over certain recent developments in Western Sahara, in particular the signing of contracts by Morocco with two foreign oil companies for offshore oil reconnaissance in Western Sahara.

29. On 17 November, demonstrations took place in the town of Smara, resulting in clashes with security forces and the arrest of several dozen demonstrators. Fifteen of the arrested were under detention awaiting trial in Laayoune. Calm was restored the following day. In a letter to the Secretary-General, the Secretary-General of Frente POLISARIO protested these events.

30. In document S/2002/41, the Secretary-General paid tribute to his former Special Representative, William Eagleton, for the efforts he had devoted to the cause of peace in Western Sahara and commended him for the leadership he had displayed and for the dedication and professionalism with which he had undertaken his mission.

31. Pursuant to Security Council resolution 1380 (2001), the Secretary-General submitted a further report (S/2002/178) on 19 February 2002 covering

developments since his report to the Council dated 10 January 2002 (S/2002/41).

32. In document S/2002/178, the Secretary-General informed the Security Council that his Personal Envoy visited Morocco on 24 and 25 January 2002, where he was received twice by His Majesty King Mohammed VI and high-level government officials. The purpose of the visit of the Personal Envoy was to inform the Moroccan authorities of the rejection by Algeria and the Frente POLISARIO of the draft framework agreement, as had been reiterated to him by the President of Algeria during his visit to the James Baker Institute in Houston, Texas, on 2 November 2001, and that, in the view of the Personal Envoy, Algeria and the Frente POLISARIO would be prepared to discuss or negotiate a division of the Territory as a political solution to the dispute over Western Sahara.

33. During his visit to the region, the Personal Envoy also visited MINURSO headquarters in Laayoune, where he met with the newly appointed Special Representative.

34. The Special Representative, for his part, held introductory meetings with Moroccan government authorities at Rabat and with the Frente POLISARIO leadership in the Tindouf area, and also made an introductory visit to Algiers from 14 to 17 January, where he met with President Bouteflika and senior members of the Government of Algeria. While in Algiers, he also met with officials from UNHCR and the World Food Programme, which are implementing humanitarian assistance programmes in the Tindouf refugee camps. On 27 January, he met in Casablanca with a delegation of senior UNHCR officials to discuss cross-border confidence-building measures.

35. Subsequently, on 17 January, the Special Representative visited the Tindouf area, where he met with the Secretary-General of the Frente POLISARIO and other members of the Frente POLISARIO leadership. He had several meetings in Laayoune with the Moroccan Coordinator with MINURSO. On 13 and 14 February, the Special Representative made his introductory visit to Nouakchott, where he met with the President of Mauritania, Maaouya Ould Sid' Ahmed Taya, and other senior government officials, as well as the UNHCR representative in Mauritania.

36. Among other developments, on 29 January 2002, the Legal Counsel responded to a letter addressed to him on 13 November 2001 by the President of the Security Council requesting, on behalf of the members of the Council, his opinion on the legality of contracts for activities in areas offshore Western Sahara concluded by Morocco with foreign oil companies (S/2002/161). In a letter addressed to the Secretary-General dated 1 February 2002, the Permanent Representative of Algeria expressed his views on this issue (A/56/809-S/2002/144). The representative of the Frente POLISARIO in New York addressed two letters on the same subject to the President of the Security Council, on 7 and 18 February, and the Permanent Representative of Morocco expressed his views in his letter dated 8 February addressed to the President of the Security Council (S/2002/153).

37. On 24 December 2001, Saharan detainees started a three-week hunger strike in the Laayoune prison. Following a series of measures taken by Moroccan authorities to reduce prison overcrowding, including the transfer of detainees to other penitentiaries, the hunger strike subsided. Some Saharan detainees resumed their hunger strike on 24 January, but suspended it again within two days.

38. In providing an assessment of progress and problems since the appointment of his Personal Envoy, the Secretary-General pointed out that, despite their assertions to the contrary, the parties had not been willing to fully cooperate with the United Nations either to implement the settlement plan or to try to negotiate a political solution that would bring about an early, durable and agreed resolution of their dispute over Western Sahara.

39. The Secretary-General stated that, as indicated in his report of June 2001 (S/2001/613, para. 52), his Personal Envoy was of the view, on the basis of the assessment of the United Nations work over the past 10 years in trying to implement the settlement plan, including the almost 5 years during which he had been involved, that it was highly unlikely that the settlement plan could be implemented in its present form in such a way as to achieve an early, durable and agreed resolution of the dispute over Western Sahara.

40. The Personal Envoy was of the view that, notwithstanding indications from Morocco of a willingness to negotiate, it was pointless to pursue at that time, except as provided in paragraph 49 of document S/2002/178, any more discussion on the draft framework agreement, as neither the Government of

Algeria nor the Frente POLISARIO was willing to engage in discussing it.

41. The Personal Envoy was also of the view that, notwithstanding indications from Algeria and the Frente POLISARIO of a willingness to negotiate a possible division of the Territory, it was pointless to pursue at that time any such discussions, except in the manner provided in paragraph 50 of document S/2002/178, as the Government of Morocco was unwilling to discuss such an approach, even though it had reached a similar agreement with the Government of Mauritania in 1976. The Secretary-General stated that he concurred with the views of his Personal Envoy as expressed in paragraphs 44, 45 and 46 of document S/2002/178.

42. The Secretary-General indicated that the situation with regard to the future of the peace process in Western Sahara was rather bleak. He and his Personal Envoy believed that there were four options for consideration by the Security Council in the light of that pessimistic but realistic assessment.

43. As a first option, the United Nations could, once again, resume trying to implement the settlement plan, but without requiring the concurrence of both parties before action could be taken. This effort would begin with the appeals process, but, even under this non-consensual approach, the United Nations would in the years ahead face most of the problems and obstacles that it had faced during the past 10 years. Morocco had expressed unwillingness to go forward with the settlement plan; the United Nations might not be able to hold a free and fair referendum whose results would be accepted by both sides; and there would still be no mechanism to enforce the results of the referendum. Under this option, the Identification Commission of MINURSO would be reinforced and, indeed, the overall size of the operation would be increased.

44. As a second option, the Personal Envoy could undertake to revise the draft framework agreement, taking into account the concerns expressed by the parties and others having experience with such documents. However, in this event, the Personal Envoy would not seek the concurrence of the parties, as had been done in the past with respect to the settlement plan and the draft framework agreement. The revised framework agreement would be submitted to the Security Council, and the Council would then present it to the parties on a non-negotiable basis. Should the Council agree to this option, MINURSO could be downsized further.

45. As a third option, the Security Council could ask the Personal Envoy to explore with the parties one final time whether or not they would now be willing to discuss, under his auspices, directly or through proximity talks, a possible division of the Territory, with the understanding that nothing would be decided until everything was decided. Were the Council to choose this option, in the event that the parties were unwilling or unable to agree upon a division of the Territory by 1 November 2002, the Personal Envoy would also be asked thereafter to show the parties a proposal for division of the Territory that would also be presented to the Council. The Council would present this proposal to the parties on a non-negotiable basis. This approach to a political solution would give each party some, but not all, of what it wanted and would follow the precedent, but not necessarily the same territorial arrangements, of the division agreed to in 1976 between Morocco and Mauritania. Were the Council to choose this option, MINURSO could be maintained at its present size, or it could be reduced even more.

46. As a fourth option, the Security Council could decide to terminate MINURSO, thereby recognizing and acknowledging that after more than 11 years and the expenditure of sums of money approaching half a billion dollars, the United Nations was not going to solve the problem of Western Sahara without requiring that one or the other or both of the parties did something that they did not wish to voluntarily agree to do.

47. The Secretary-General pointed out that he was aware that none of the above-mentioned options would appear ideal to all the parties and interested countries. In order to give the Security Council time to decide, he recommend that the mandate of MINURSO be extended for two months, until 30 April 2002.

## II. Consideration by the Security Council

48. The Security Council considered the reports of the Secretary-General (S/2000/1029, S/2001/398, S/2001/613, S/2002/41 and S/2002/178).

49. On 27 April 2001, the Security Council, at its 4315th meeting, adopted resolution 1349 (2001), by which the Council decided to extend the mandate of MINURSO until 30 June 2001, with the expectation that the parties, under the auspices of the Secretary-General's Personal Envoy, would continue to try to resolve the multiple problems relating to the implementation of the settlement plan and try to agree upon a mutually acceptable political solution to their dispute over Western Sahara, and also requested the Secretary-General to provide an assessment of the situation before the end of that mandate.

50. On 29 June 2001, the Security Council, at its 4342nd meeting, adopted resolution 1359 (2001), in the operative part of which the Council

> "1. *Decides*, as recommended by the Secretary-General in his report of 20 June 2001, to extend the mandate of MINURSO until 30 November 2001;
>
> "2. *Supports fully* the efforts of the Secretary-General to invite all the parties to meet directly or through proximity talks, under the auspices of his Personal Envoy, and *encourages* the parties to discuss the draft Framework Agreement and to negotiate any specific changes they would like to see in this proposal, as well as to discuss any other proposal for a political solution, which may be put forward by the parties, to arrive at a mutually acceptable agreement;
>
> "3. *Affirms* that while discussions referred to above go on, the official proposals submitted by the Polisario Front to overcome the obstacles preventing implementation of the Settlement Plan will be considered;
>
> "4. *Recalls* that according to the rules of the consultations established by the Personal Envoy nothing would be agreed until everything had been agreed, and therefore *emphasizes* that by engaging in these negotiations the parties will not prejudice their final positions;
>
> "5. *Urges* the parties to solve the problem of the fate of people unaccounted for, and *calls on* the parties to abide by their obligations under international humanitarian law to release without further delay all those held since the start of the conflict;
>
> "6. *Requests* the Secretary-General to provide an assessment of the situation before the end of the present mandate, and, as appropriate, recommendations on the future mandate and composition of MINURSO;
>
> "7. *Decides* to remain seized of the matter."

51. On 27 November 2001, the Security Council, at its 4427th meeting, adopted resolution 1380 (2001), by which the Council decided to extend the mandate of MINURSO until 28 February 2002 and requested the Secretary-General to keep the Council informed of all significant developments in an interim report by 15 January 2002 and to provide an assessment of the situation by 18 February 2002.

52. On 27 February 2002, the Security Council, at its 4480th meeting, adopted resolution 1394 (2002), by which the Council decided, as recommended by the Secretary-General in his report of 19 February 2002, to extend the mandate of MINURSO until 30 April 2002 and to consider actively the options described in his report, addressing this issue in its programme of work, and requested the Secretary-General to provide a report on the situation before the end of that mandate.

## III. Consideration by the General Assembly

53. At the fifty-sixth session of the General Assembly, reference was made to the question of Western Sahara by a number of representatives in their statements during the general debate. During the debate on decolonization items in the Fourth Committee, held from 8 to 10 October and on 12 October 2001, a number of Member States made reference to the question of Western Sahara: Algeria, Angola, Chile (speaking on behalf of the States members of the Rio Group), Cuba, the Russian Federation, South Africa, Madagascar, Namibia, Antigua and Barbuda, Mozambique, Egypt, Burkina Faso, Senegal, Morocco, Pakistan, Zimbabwe, Ghana, Uganda, Mauritius, Venezuela, Ethiopia, Ecuador, the United Republic of Tanzania and Gabon.

54. At the 5th meeting of the Fourth Committee, on 10 October 2001, the Committee heard the following petitioners: Antonio López Ortiz, Secretary, Federación Estatal de Instituciones Solidarias con el Pueblo

Saharaui; Felipe Briones Vives, International Association of Jurists for Western Sahara; Ana María Badía Martí, professor of international law in Spain; José Miguel Barragán Cabrera, Deputy, Parliament of the Canary Islands; Francisco José Alonso Rodríguez, President, Human Rights League of Spain; Miguel Mayol i Raynal, Member of the European Parliament; and Ahmed Boukhari, Frente POLISARIO.

55. At its 7th meeting, on 16 October, the Special Political and Decolonization Committee (Fourth Committee) adopted without a vote a draft resolution entitled "Question of Western Sahara" (A/C.4/56/L.2), submitted by the Chairman. After the adoption of the draft resolution statements in explanation of position were made by the representatives of Senegal, Morocco and Algeria (see A/C.4/56/SR.7).

56. On 10 December 2001, the General Assembly, at its 82nd plenary meeting, on the recommendation of the Fourth Committee (see A/56/557, para. 20) adopted resolution 56/69, entitled "Question of Western Sahara", in the operative part of which the Assembly

"1. *Takes note* of the report of the Secretary-General;[1]

"2. *Commends* the Secretary-General and his Personal Envoy for their outstanding efforts and the two parties for the spirit of cooperation they have shown in the support they provide for those efforts;

"3. *Takes note* of the agreements[2] reached between the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Rio de Oro for the implementation of the settlement plan[3] during their private direct talks under the auspices of James Baker III, the Personal Envoy of the Secretary-General, and urges the parties to implement those agreements fully and in good faith;

"4. *Urges* the two parties to continue their cooperation with the Secretary-General and his Personal Envoy, as well as with his Special Representative, and to refrain from undertaking anything that would undermine the implementation of the settlement plan and the agreements reached for its implementation and the continued efforts of the Secretary-General and his Personal Envoy;

"5. *Calls upon* the two parties to cooperate fully with the Secretary-General, his Personal Envoy and his Special Representative in implementing the various phases of the settlement plan and in overcoming the difficulties that remain despite the progress so far achieved;

"6. *Encourages* the parties to continue their discussions under the auspices of the Personal Envoy of the Secretary-General with a view to reaching a mutually acceptable agreement on the question of Western Sahara;

"7. *Urges* the two parties to implement faithfully and loyally the Secretary-General's package of measures relating to the identification of voters and the appeals process;

"8. *Reaffirms* the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan;

"9. *Reiterates its support* for further efforts of the Secretary-General for the organization and supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara that is impartial and free of all constraints, in conformity with Security Council resolutions 658 (1990) and 690 (1991), by which the Council approved the settlement plan for Western Sahara;

"10. *Takes note* of the relevant resolutions of the Security Council, including resolutions 1349 (2001) of 27 April 2001 and 1359 (2001) of 29 June 2001;

"11. *Urges* the parties to solve the problem of the fate of people unaccounted for, and calls on the parties to abide by their obligations under international humanitarian law to release without further delay all those held since the start of the conflict;

"12. *Requests* the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara, bearing in mind the positive ongoing implementation of

[1] A/56/159.
[2] S/1997/742 and Add.1.
[3] See S/21360 and S/22464 and Corr.1.

the settlement plan, and to report thereon to the General Assembly at its fifty-seventh session;

"13. *Invites* the Secretary-General to submit to the General Assembly at its fifty-seventh session a report on the implementation of the present resolution."